

AMENDMENT UNDER 37 CFR § 1.116
Serial No. 09/800,523

REMARKS

A total of 45 claims remain in the present application. The foregoing amendments are presented in response to the Office Action mailed August 30, 2005, wherefore reconsideration of this application is requested.

By way of the above-noted amendments, claims 1 and 27 have been amended to more clearly define the meaning of the "predetermined search window", and to define that "a bit pattern of each synchronization word is selected such that an energy spectrum of the plurality of respective synchronization words interleaved within the data signal is substantially white". Support for both of these revisions can be found throughout the originally filed specification and claims. Accordingly, no new subject matter has been introduced, and no additional searches will be required.

Referring now to the text of the Office Action:

- claims 1 and 27 stand objected to under 35 U.S.C. § 112 as failing to distinctly claim the subject matter of the present invention;
- claims 1 and 27 stand rejected under 35 U.S.C. § 102(e), as being unpatentable over the teaching of United States Patent No. 4,759,018 (Buchner);
- claims 2, 3, 28 and 29 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 4,759,018 (Buchner);
- claims 19-26 and 45 are allowed; and
- claims 4-18 and 30-44 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As an initial matter, Applicant appreciates the Examiner's allowance of claims 19-26 and 45, and indication of allowable subject matter in claims 4-18 and 30-44. The Examiner's various claim rejections are believed to be traversed by the above-noted claim amendments, and further in view of the following discussion.

AMENDMENT UNDER 37 CFR § 1.116
Serial No. 09/800,523

Rejections under 35 U.S.C. § 112

With reference to claims 1-27, Applicant notes that the term "predetermined search window" can be readily understood by reference to the specification. In particular, the search window is clearly described as corresponding to a portion of the data signal (or equivalently, a portion of a recovered substream) received within a time interval. Thus:

"In some embodiments, the search window corresponds to a portion of the data signal received during a period of up to twice an expected delay between corresponding data units of a first interleaved sub-stream and a last interleaved sub-stream of the data signal". [Para 19]

"... the search is restricted to a search window corresponding to a portion of the recovered sub-stream 20 bracketing the location at which position words 24 have been found by other ones of the individual framers 28. ... Thus for example, in the illustrated embodiment, the search window may be set to encompass that portion of the respective recovered sub-stream 20 commencing 250 nSec prior to assertion of the Four_Found signal 52, and ending 250 nSec after assertion of the Four_Found signal 52. The timing of the search window is determined by the master framer 30 (e.g. based on the timing of the Four_Found signal 52) and communicated to the individual framer 28 by means of the Frame_Interval signal 50 (see FIG. 2). For example, within the search window, the master framer 30 may assert the Frame_Interval signal 50, and de-assert the Search window signal 50 otherwise." [Para 54]

Accordingly, claims 1 and 27 have been amended to define that the search window corresponds to a portion of the data signal received within a predetermined time interval", so as to more completely define this feature of the invention.

In light of the foregoing, it is believed that the claims are now fully compliant with the requirements of 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102(e) and 103(b)

Claims 1 and 27 have been amended to define that the "bit pattern of each synchronization word is selected such that an energy spectrum of the plurality of respective synchronization words interleaved within the data signal is substantially white." This


AMENDMENT UNDER 37 CFR § 1.116
Serial No. 09/800,523

feature is not found in any of the known prior art. For example, Buchner teaches the use of a "synchronization characteristic", but does not provide any detail as to the nature of that "characteristic", and does not even mention the energy spectrum of the various synchronization characteristics interleaved within the data signal.

In light of the foregoing, it is respectfully submitted that the presently claimed invention is clearly distinguishable over the teaching of the cited references, taken alone or in any combination. Thus, it is believed that the present application is in condition for allowance, and early action in that respect is courteously solicited.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 19-5113.

Respectfully submitted,


By: Kent Daniels, P.Eng.
Reg. No. 44206
Attorney for the Applicants

Date: November 3, 2005

Ogilvy Renault LLP
Suite 1600
1981 McGill College Avenue
Montreal, Quebec
Canada, H3A 2Y3
(613) 780-8673